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DPL

In re Application of: **T. Grupp, et al.**
Application No.: **10/765,724**
Filed: **January 26, 2004**
For: **MEDICAL IMPLANT SYSTEM**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: **3737**
Examiner: **Shawna J. Shaw**

Sir:

Transmitted herewith is:

- [X] Response to Election Requirement - 2 pages;
[X] Return receipt postage prepaid postcard;
[X] I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on **December 28, 2004**.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,

Barry R. Lipsitz
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Attorney Docket No.: **HOE-795**

SEARCHED _____ SERIALIZED _____ INDEXED _____
FILED _____ DECEMBER 30 2004 U.S. PATENT AND TRADEMARK OFFICE
AUGUST 2005
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CIVIL PRACTICE SECTION
REGISTRATION AND CERTIFICATION SECTION
EXAMINER: [Signature]

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2004.

By: Carol Prentice
Carol Prentice

RESPONSE TO
ELECTION REQUIREMENT

Dear Sir:

This communication is responsive to the Office Action mailed on December 15, 2004 in the above-identified U.S. patent application.

An election of species has been required with respect to (A) the species of Figure 5, or (B) the species of Figure 6, or (C) the species of Figure 7, or (D) the species of Figures 8 and 9, or (E) the species of Figure 10.

In response, Applicants elect species (A), as shown in Figure 5.

Claims 1-6 and 14-25 are believed to read on the elected species.

It is understood that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. Currently, claim 1 is generic.

Examination and allowance of this application is respectfully requested.

Respectfully submitted,



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ATTORNEY DOCKET NO.: HOE-795
DATE: December 28, 2004